

ADAM R.F. GUSTAFSON, Deputy Assistant Attorney General
Environment & Natural Resources Division
MEREDITH L. FLAX, Acting Section Chief
NICOLE M. SMITH, Assistant Section Chief
RICKEY D. TURNER, JR., Senior Attorney
U.S. Department of Justice
Environment and Natural Resources Division
Wildlife and Marine Resources Section
999 18th Street, South Terrace, Suite 370
Denver, CO 80202
Tel | (303) 844-1373
E-mail: rickey.turner@usdoj.gov

Attorneys for the Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CENTER FOR BIOLOGICAL DIVERSITY
and DEFEND THEM ALL FOUNDATION,

Case No. 3:24-CV-03772-EMC

Plaintiffs,

STIPULATED MOTION TO EXTEND

v.

NATIONAL MARINE FISHERIES
SERVICE; and GINA RAIMONDO,
Secretary of Commerce,

Defendants.

Plaintiffs, Center for Biological Diversity and Defend Them All Foundation
("Plaintiffs"), and Federal Defendants the U.S. Secretary of Commerce, Howard Lutnick, and
National Marine Fisheries Service (collectively, "the Service"), by and through their undersigned
representatives, stipulate to extending the deadline set forth in the previously entered Stipulated
Settlement Agreement ("Agreement"), and state as follows:

1 WHEREAS, the Parties entered into a Stipulated Settlement Agreement on December 4,
2 2024 that settled Plaintiffs' claims;

3 WHEREAS, as part of that Agreement, the Service agreed to submit to the Federal
4 Register for publication a 12-month finding pursuant to 16 U.S.C. § 1533(b)(3)(B) on Plaintiffs'
5 February 2022 petition to list the tope shark (*Galeorhinus galeus*) on or before August 1, 2025;
6

7 WHEREAS, the Court entered the Agreement on December 5, 2025 (ECF No. 26);

8 WHEREAS, the Agreement may only be modified by the Court upon good cause shown
9 by stipulated motion of all Parties;

10 WHEREAS, the Court extended, at the Parties' request, the August 1, 2025 deadline to
11 January 31, 2026 (ECF Nos. 27, 28);

12 WHEREAS, due to the recent 43-day government shutdown, and all of the associated
13 delays and backlog, the Service requires additional time to complete the 12-month finding for the
14 tope shark. The Service avers it is not able to meet the January 31, 2026 deadline;
15

16 NOW THEREFORE, the Service seeks to extend the January 31, 2026 deadline to April
17 15, 2026. Plaintiffs agree and stipulate to this extension. This stipulation does not affect any
18 other provision of the Agreement.

19 DATED: December 19, 2024
20

21 Respectfully submitted,
22

23 /s/ Rickey D. Turner, Jr.

24 RICKEY D. TURNER, JR.

25 Senior Attorney

26 U.S. Department of Justice

27 Environment and Natural Resources Division

28 Wildlife and Marine Resources Section

999 18th Street, South Terrace, Suite 370

Denver, CO 80202

Tel | (303) 844-1373; Fax | (303) 844-1350

E-mail: rickey.turner@usdoj.gov

Attorneys for the Defendants

/s/ David Derrick

David Derrick (CA Bar No. 316745)
Catherine Kilduff (CA Bar No. 256331)
Center for Biological Diversity
2100 Franklin St., Ste 375Oakland, CA 94612
Phone: (510) 844-7108
Facsimile: (510) 844-7150
dderrick@biologicaldiversity.org
ckilduff@biologicaldiversity.org


Lindsey Zehel (admitted pro hac vice)
DEFEND THEM ALL FOUNDATION
25 NW 23rd Place, Suite 6-310
Portland, OR 97210
Phone: (567) 203-7220
Email: lzehel@defendthemall.org

Attorneys for Plaintiffs

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: December 19, 2025

Signed By:


HON. EDWARD M. CHEN
United States District Court Judge